

# SERC Meeting

April 6, 2000

8:30 a.m.

Tom Burns began the meeting at 10:02 a.m. for those in attendance see attached roster. Mr. Burns said John Pack has been delayed at the Governors Office and would be joining the meeting shortly. The minutes of January 21, 2000 were reviewed. Mr. Burns asked for corrections/deletions or additions. Mike Agee moved to approve the minutes, Richard Jarvis seconded. Motion passed.

HMEP Grants - 2001 HMEP Grant Applications were mailed February 10, 2000 to all LEPC's in the state with a deadline of June 15, 2000. Of the 13 HMEP 2000 grant recipients 7 have requested initial payments. US DOT notified the SERC 8 petitions against an increase in fees have been filed by industry but should be resolved shortly.

SERC Grants - Grants expended to LEPC's in 1999 totaled \$51,192. The SERC received approximately \$114,000 in 1999 and so far 2000 Tier Two fees are \$116,000.

Old Business - Tom Burns asked the Board to reassess the purchase of FEMA Manuals, the cost has raised substantially from \$70 per copy to \$150 according to Jim Cox's (Training Officer) report. There was considerable discussion on who to distribute the manuals to: Fire Departments, State Police and 911 Centers, whether they need hard copies or CD-ROM's and the associated costs. Discussion centered around liability issues; if WVOES obtained a hard copy and printed them at Prison Industries could a "hold harmless" clause be printed in the front of the manual to eliminate liability issues. Joe Wyatt said a company in Virginia will burn copies of CD-ROM's for \$2.00 each. Mr. Burns asked Mr. Wyatt to find out additional information and notify Jim Cox of the results. Mr. Pack returned from the Governors Office and Tom Burns briefed him on the progress of the meeting. Mr. Pack said he would like the SERC to move ahead on this project, he feels it is imperative for 1<sup>st</sup> Responders to have the information. Roy McCallister made a motion for WVOES to contact Prison Industries, determine the cost of a 500 page manual, and printing costs of 500 copies for distribution in every fire truck, 911 Center and State Police Detachment in the state. If the cost is less than \$35,000 print and distribute the manuals to the appropriate entities. Mike Agee seconded. Motion passed.

Mr. Pack discussed the upcoming SERC/LEPC Conference with Board members. A draft agenda is enclosed in today's packet. Mr. Pack said a

majority of the agenda is focusing on terrorism and weapons of mass destruction, he feel most terrorist incidents will contain some element of Hazmat. Mr. Pack asked the SERC members to review the proposed agenda and if they feel the direction of the conference is out of the SERC's responsibility please let him know. The width and breath of emergency response is changing immeasurably especially in West Virginia where numerous stationary targets and road traffic is a concern.

We need to continue to change and improve our capabilities for 1<sup>st</sup> responders and citizens. There was discussion of rotating the annual conference between Canaan Valley and Pipestem if the board feels that is appropriate.

Plan Reviews - nothing new to report.

LEPC Membership Approvals - 4 counties submitted updated LEPC lists or in the case of Pocahontas County the first one ever. There was discussion on how often an LEPC needs to update lists, Laverne said most LEPC's only update once a year unless they have major changes. In the case of some of the larger LEPC's such as Cabell/Wayne and Kanawha/Putnam they update their lists 2-3 times a year depending on their own criteria. David Hoge said there were two changes to the Kanawha/Putnam list - Doug Sweeney has died and Ben Shew is no longer with the school system. Those two members will be deleted from the list. Pocahontas County does not have a person listed for their health category but the list is otherwise complete. Mike Agee moved to approve the 4 LEPC lists with corrections and a request that Pocahontas County provide a representative for Health. Roy McCallister seconded. Motion passed.

By-Laws - none

Training Subcommittee - nothing new to report.

Grants Subcommittee- Mr. Pack thanked the three members of the committee: Mike Agee, Joe Wyatt and Rudy Raynes. They spent considerable time reviewing products LEPC's have submitted under the HMEP Program. The report is contained in today's packet. It includes recommendations on adoption of quality control and need of the product before the projects and funds are closed out. The committee also recommended the SERC scrutinize contractor activities since some of the poorest work products were produced by a particular contractor. Considerable discussion of unacceptable products ensued and what the SERC could do about them. It was also felt in order to have a successful Commodity Flow Study an LEPC should have a plan on how to utilize the information they obtain with a study. Specific planning and training activities should be considered as well as hazard analysis among some of the needed

concepts. Joe Wyatt moved to accept the subcommittee report and furnish copies to all attendees at the SERC/LEPC conference. Roy McCallister seconded. Motion passed. Tom Burns asked about a subject discussed several years ago concerning the Ethics Commission and LEPC members hired as contractors for their LEPCs. Mr. Pack asked Tom to submit the question to the Ethics Commission and ask for a reply in writing, preferably before the next SERC meeting. Shirley Lawson (Cabell/Wayne) asked if LEPC's whose products were found to be inferior have been notified of the subcommittees report. Mr. Pack said no - not until the report had been accepted by the Board but they will be notified now. Mr. Pack said Dave Wheatcraft will draft a letter for review by the Attorney Generals Office asking if the SERC has the legal standing to determine criteria for acceptance of LEPCs products and if payment can be suspended for inferior products. Mr. Pack would also like the Attorney Generals Office to make sure LEPC's legal rights are not infringed upon with this effort.

New Business - Mr. Pack discussed Annex T to the Emergency Operations Plan - the Terrorism Annex. EQE International has been contracted to provide the state with a plan for state agencies and a local model plan for local communities and counties. They have also been contracted to conduct an exercise of the plan at two workshops, Ramada Inn May 16 and Cacapon State Park May 18. The initial workshops will enable OES staff to refine the plan for distribution at 8 additional regional workshops throughout the state between July and September, 2000. All LEPC's and LEPC members will be notified of upcoming workshops and with the time, date and locations. Mr. Pack urged SERC Board members to attend at least one of the workshops over the next few months. As terrorism plays a larger role in emergency management, LEPC's will need to assist counties in planning activities and board members will need to support those activities. Mr. Pack stated HMEP funds and the addition of DOJ funds are emphasizing planning and training but he feels equipment needs are being neglected. Mr. Pack has proposed to the Governor that a dollar for dollar match through the legislature be made to enable 1<sup>st</sup> responders the ability to purchase equipment. The Governors Office has indicated a willingness to support the proposal if a tangible benefit can be determined. Mr. Pack said even with matching funds it will be impossible to equip each and every fire department within the state to an appropriate Hazmat level so he is also proposing we consider Regional Hazmat Teams. Mr. Jarvis asked about current Hazmat Teams and if new rules are applied how will that affect those teams. Mr. Pack said current teams probably will not change but more mutual aid will be encouraged to allow teams to respond to a wider area, he feels discussion and consideration of reasonable criteria needs to be reviewed but it is important to begin somewhere. Mr. Pack also proposes to increase Tier Two fees to a level that supports staffing and future activities including increasing grants to LEPC's

so they may provide more response to the community. Mr. Pack stated because private industry has been extremely responsive to requests by communities in responding to Hazmat incidents some form of protection needs to be afforded those Hazmat teams. Industry runs the risk of litigation each time they respond at the request of the community outside their own facility, eventually facilities will cease to assist local fire departments if the risk becomes too great. Mr. Pack suggested a committee be formed to research the code and determine the best method to provide industry with protection. The committee would also recommend any increase in Tier Two fees or changes to the legislation. The Governors Office has indicated a willingness to support the measure. Deadline for changes or additions to the code need to be submitted to the Attorney Generals Office by July 8. Mr. Pack would like a report ready by the SERC/LEPC Conference for recommendations by the committee on changes in legislation, hazmat protection and Tier Two fees. Mike Agee said since the scope of activities are widening should not the SERC consider broadening fee sources. The chemical industry continues to shrink and it is not possible to rely on them for the bulk of an increase in Tier Two fees to the level the SERC is suggesting. Mr. Pack said that issue also needs to be addressed when considering raising fees and said an industry representative needs to be on the committee. He asked Mike Agee, Loretta Bitner, Jim Riggs and Roy McCallister to serve on the committee and report back to the SERC at the Conference. Mr. Agee said he could not but could appoint someone in his place if that is appropriate. Mr. Pack agreed.

Mr. Pack said due to the amount of training funds now received with HMEP, FEMA and now DOJ grants he feels a Hazmat Training Coordinator needs to be considered. The Governors Office has agreed to waive the budget restrictions since the position will be 100% federally funded. Mr. Pack said as more specialized training becomes necessary he thinks someone completely focused on hazmat will benefit 1<sup>st</sup> responders and will be able to encourage new and innovative training in needed areas. Some programs may take as long as two years for various departments and agencies to be trained at appropriate levels.

Mr. Pack said Project Impact (Melissa Atkins) has agreed to provide ½ of the necessary funds for give away items at the SERC/LEPC Conference. Dave Wheatcraft and Laverne Muncy have suggested briefcases for attendees. The cost to the SERC would be approximately \$2500 with Project Impact providing the remaining funds. The briefcases will have Project Impact and WVOES logos on it. Dan McKinney said his daughter is a graphics artist and can provide the SERC with a logo of its own. She works for the Governors Office and they will

need to give permission for her to assist the SERC but the SERC should consider obtaining their own logo. Roy McCallister made a motion to pay for ½ of the cost of briefcases up to \$2500, Rudy Raynes seconded. Motion approved.

David Hoge introduced the K/P EPC Shelter in Place Workplace Video, the manual and video have been distributed to over 130 business in the Kanawha Valley and more companies are asking to join the program.

Tom Burns announced the ERG's (DOT Manuals) are in and to see Jim Morris if you need to pick up your copies.

Rudy Raynes made a motion to adjourn, Joe Wyatt seconded, motion passed.

Meeting ended at 11:55 a.m. Next scheduled meeting will be at Canaan Valley Resort June 21, 2000 at 8:30 a.m.